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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/033,467	12/27/2001	Kenny L. Phelps	00529-P0202B	9797

24126 7590 06/03/2004

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EXAMINER

KNABLE, GEOFFREY L

ART UNIT	PAPER NUMBER
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1733

DATE MAILED: 06/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/033,467

Applicant(s)

PHELPS ET AL.

Examiner

Geoffrey L. Knable

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 March 2004.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6, 7 and 23-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6, 7, 24 and 25 is/are rejected.
- 7) ☒ Claim(s) 23 and 26 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claims 6-7 and 24-25 are rejected under 35 U.S.C. 103(a) as obvious over GB 1,040,271 to Goodyear.

GB '271 to Goodyear discloses a tire building bladder formed from or including a layer formed from (note page 5, lines 105+) a blended rubber material designed to have good release properties. Further, GB '271 indicates at page 5, lines 86-93 that Hypalon (i.e. chlorosulfonated polyethylene) is one suitable material for the tire building bladder. Further, it is clear from these same lines that blended rubbers are also suitable and effective, it therefore not being considered to have been unobvious to use any of the described rubbers, including Hypalon (although this is not considered to have been explicitly exemplified/described in a blend), broadly in a blend with another rubber as claimed, this being considered to render claims 6 and 24 obvious. As to claims 7 and 25, note the previous office action.

2. Claims 23 and 26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Although the closest prior art, i.e. GB 1,040,271 to Goodyear, teaches Hypalon and further would suggest that blends are also suitable, it is not considered to fairly teach or render obvious a method for making an inflatable bladder for use with an apparatus for manufacturing tire as claimed in which chlorosulfonated polyethylene is

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mixed with natural rubber to form an anti-tack rubber, this being adhered as a first ply to an elastomeric material as a second ply of the inflatable bladder.

3. Note: the cross-reference to related applications at page 1 of the specification should be updated with the patent number (i.e. US 6,363,989).

4. Applicant's arguments filed 3-11-2004 have been fully considered but they are not persuasive (at least as regards any remaining rejections).

The 35 USC 112 rejections have been withdrawn in light of applicant's response/amendments. Further, the prior art rejections, except that over GB '271 to Goodyear, have been withdrawn in light of applicant's response/amendments. With respect to GB '271 to Goodyear, applicant has argued that although hypalon is mentioned, it is not blended with any other rubber. This argument has been carefully considered but as noted above, since it is clear from page 5, lines 86-93 that blended rubbers are also suitable and effective, it was not considered to have been unobvious to use any of the described rubbers, including Hypalon, broadly in a blend with another rubber as claimed, this being considered to render claims 6 and 24 obvious. It would be agreed however that GB '271 is not considered to fairly teach or render obvious a method for making an inflatable bladder for use with an apparatus for manufacturing tire as claimed in which chlorosulfonated polyethylene is mixed with natural rubber to form an anti-tack rubber, this being adhered as a first ply to an elastomeric material as a second ply of the inflatable bladder.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

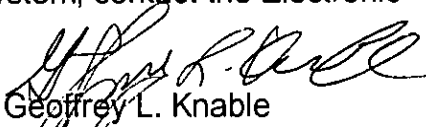
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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Geoffrey L. Knable whose telephone number is 571-272-1220. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Geoffrey L. Knable
Primary Examiner
Art Unit 1733

G. Knable
May 30, 2004